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5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7
8 UNIVERSAL TRADING & INVESTMENT
CO,

No. C-99-03073 MMC (EDL)

9 Plaintiff,

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO COMPEL**

10 v.

11 KIRITCHENKO ET AL,

12 Defendant.

13 _____ /
14 Plaintiff's Motion to Compel came on for hearing on April 3, 2007, at 2:00 p.m. John
15 Aspelin appeared for the Plaintiff, and Michael Lisi appeared for Defendants Peter Kiritchenko,
16 BRC Property Holding LLC, Brancross US Holdings Inc., Xanadu Property Holdings LLC, and
17 ABS Enterprises Inc. After full consideration of the papers and the arguments at the hearing, and for
18 good cause shown, the Court GRANTS IN PART Plaintiff's Motion to Compel as follows:

19 1. Defendants are ordered to produce Mr. Peter Kiritchenko for five full days of
20 deposition, beginning April 18, 2007. During the five days, Mr. Kiritchenko will testify in his
21 individual capacity and as a 30(b)(6) witness for the corporate defendants, as determined by the
22 parties prior to each day or part thereof. Mr. Kiritchenko shall comply with the rules for deposition
23 and not make speaking objections or unduly delay his responses. If, at the close of five full days of
24 deposition, Plaintiff believes more time is required to depose the witness, the parties shall meet and
25 confer and attempt to agree. If they cannot agree, Plaintiff may apply to the Court for leave to
26 extend the five day time limit based on a showing of truly good cause.

27 2. Defendants are ordered to immediately request from the F.B.I. a copy of reports of
28 F.B.I. interviews of Mr. Peter Kiritchenko, pursuant to the Freedom of Information Act, 5 U.S.C. §

1 552 (d). Defendants are ordered to produce a copy of the reports it receives to Plaintiff within 1 day
2 of receipt from the government.

3 3. Defendants are ordered to complete production of all supplemental discovery
4 responses no later than April 10, 2007, with the exception of the F.B.I. reports, which shall be
5 produced in the time frame indicated above.

6 4. Defendants are ordered to comply with Local Rule 7.1.

7 5. Plaintiff's request to enter default against Defendants is denied.

8 The remainder of Defendant's Motion to Compel is denied without prejudice subject to a review of
9 Defendants' supplemental discovery productions.

10 This order disposes of docket no. 1241.

11 **IT IS SO ORDERED.**

12 Dated: April 4, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge